IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5193 OF 2004

Satyawan Dharma Sonawane ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.C.R.Sonawane for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 1, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Even accepting the allegations in the complaint as filed, as it is, there are no utterances attributed to the Applicant herein. Perhaps, it is the conjecture of the Complainant that she has been victimised because she belongs to particular community. The actions taken by the

Applicant are obviously in discharge of his official duties. If the order issued by the Superior Officer is wrong, that by itself, does not mean that it would result in offence punishable under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. Besides, it is seen that allegations have been made against other persons who are already granted anticipatory bail by the Sessions Court, Sholapur.

3. Taking overall view of the matter, I am prima facie, convinced that no offence under the Atrocities Act is made out against the Applicant herein. If it is so, it is open to this Court to exercise powers under Section 438 of the Criminal Procedure Code, 1973, so as to grant anticipatory bail. In the peculiar facts and circumstances of the case, I am inclined to exercise that power and allow this Application on the following terms:

(a) The Applicant is granted anticipatory bail in connection with C.R.No.3317/04 registered with Fouzdar Chawdi Police Station, Sholapur, on executing personal bond in the sum of Rs.10,000/-

(Rupees Ten Thousand) with one surety in the like amount.

(b) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(c) The Applicant shall abide by the conditions specified in Section 438 (2) of the Criminal Procedure Code, 1973, as applicable to the State of Maharashtra.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.